

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

DECISION AND ORDER

07-CR-6174DGL

v.

JESSIE MCINTYRE,

Defendant.

Defendant Jessie McIntyre (“McIntyre”) has now filed another motion (Dkt. #105) for reduction of his sentence and a court order that he be placed at a halfway house or allowed home confinement if no bed space is available. According to McIntyre’s motion, the Bureau of Prisons has delayed his entry into a halfway house for a few months to August 2024 because of a lack of bed space.

After considering all the factors, defendant’s motion (Dkt. #105) is denied. McIntyre has filed several prior motions with this Court seeking compassionate release based on medical circumstances and he previously sought the same relief he seeks here, that is an order directing that he can complete his sentence on home confinement. This Court discussed these claims in a prior Decision (Dkt. #103), filed August 15, 2022. I cited then McIntyre’s history, the Government’s Response to the motion and the sentencing factors under 18 U.S.C. § 3553(a). In that Decision and Order, I found that McIntyre had failed to carry his burden of proving extraordinary and compelling reasons to modify the sentence and direct the Bureau of Prisons to place him in home confinement.

McIntyre's present motion (Dkt. #105) fares no better.

CONCLUSION

Defendant Jessie McIntyre's motion for placement at a halfway house or home confinement (Dkt. #105) is DENIED.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "David G. Larimer", is written over a horizontal line.

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
March 13, 2024.